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GlaxoSmithKline

FAX

To PCT Legal Office, Attn. Cynthia M. Kratz

Company USPTO

Fax 571-273-0459

From Valerie L. Phillips

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Date February 28, 2006 **Pages including cover** 36
Response to Decision on Petition Under 37 CFR
1.42

Glaxo Wellcome Inc.
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Serial No.: 10/528,613

Date:

Applicant: Eatherton et al.

Title: Pyrimidine Derivatives As CB2 Receptor Modulators

Attached:

Transmittal Letter to the United States Designated/Elected Office....
Petition for Extension of Time Under 37 CFR 1.136(a)
Response to the Decision on Petition Under 37 CFR 1.42
Declarations (6 pages) x 3
Power of Attorney & Correspondence Indication Form
Resolution

Certificate of Transmission

Certificate of Transmission by Facsimile (37 CFR 1.8)

I hereby certify that this Response is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 571-273-0459) on February 28, 2006.

Valerie L. Phillips
Valerie L. Phillips

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FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 7-2005)		ATTORNEY'S DOCKET NUMBER P33118USW
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/528,613
INTERNATIONAL APPLICATION NO. PCT/EP03/10930	INTERNATIONAL FILING DATE September 25, 2003	PRIORITY DATE CLAIMED September 27, 2002
TITLE OF INVENTION Pyridine Derivatives As CB2 Receptor Modulators		
APPLICANT(S) FOR DO/EO/US <i>GREEN, Richard, Howard</i> ; EATHERTON, Andrew, John; GIBLIN, Gerard, Martin, Paul; JANDU, Karamjit, Singh; MITCHELL, William, Leonard; NAYLOR, Alan; PALOMBI, Giovanni, RAWLINGS, Derek, Anthony; SLINGSBY, Brian, Peter; WHITTINGTON, Andrew, Richard		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the Inventor(s) (35 U.S.C. 371 (c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). 11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409). 12. <input type="checkbox"/> A copy of the International Search Report (PCT/ISA/210). 		
Items 13 to 23 below concern document(s) or information included:		
<ol style="list-style-type: none"> 13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 15. <input type="checkbox"/> A FIRST preliminary amendment. 16. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 17. <input type="checkbox"/> A substitute specification. 18. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. 19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 22. <input type="checkbox"/> Express Mail Label No. 		
<input checked="" type="checkbox"/> Request for Extension of Time		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
10/528,613	PCT/EP03/10930	P33118USW

23. Other items or Information:

The following fees have been submitted:				CALCULATIONS	PTO USE
24. <input type="checkbox"/> Basic national fee			\$300	\$ 0.00	
25. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).			\$0	\$0.00	
All other situations.			\$200		
26. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).			\$0		
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority.			\$100	\$0.00	
International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB.			\$400		
All other situations.			\$500		
TOTAL OF 24, 25 and 26 =				\$ 0.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
- 100 =	0 /50 =	0	× \$250.00	\$ 0.00	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	0	× \$50.00	\$ 0.00	
Independent claims	- 3 =	0	× \$200.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 130.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$ 0.00	
SUBTOTAL =				\$ 130.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 130.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.26, 3.31). \$40 per property +				\$ 0.00	
TOTAL FEES ENCLOSED =				\$ 130.00	
				Amount to be	\$
				Amount to be	\$

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a. A check in the amount of \$ _____ to cover the above fees is enclosed.

b. Please charge my Deposit Account No. 07-1392 in the amount of \$ \$130.00 to cover the above fees. A duplicate copy of this sheet is enclosed.

c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1392. A duplicate copy of this sheet is enclosed.

d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:



SIGNATURE

J. Scott Young

NAME

45,582

REGISTRATION NUMBER

28 Feb 2006

DATE

P33118USW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eatherton et al.
Serial No.: 10/528,613
Filing Date:
Title: Pyridine Derivatives As CB2 Receptor Modulators

PCT Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Renewed Submission Under 37 CFR 1.42

Sir:

In response to the Decision on Petition Under 37 CFR 1.42 mailed December 23, 2005, Applicants respectfully submit the enclosed substitute Declaration (3 documents) in compliance with 37 CFR 1.42 and 1.497(a) and (b).

Respectfully submitted,


Scott Young
Attorney for Applicants
Registration No. 45,582

Date: 28 Feb 2006
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